

## 52.105

below the title of the provision or clause identifying to the lowest level necessary (e.g., paragraph, sentence, word), to clearly indicate what is being modified.

(c) When modifying provisions or clauses incorporated in full text, modify the language directly by substituting the changed wording as permitted.

(d) When completing blanks in provisions or clauses incorporated by reference, insert the fill-in information directly below the title of the provision or clause identifying to the lowest level necessary to clearly indicate the blanks being filled in.

(e) When completing blanks in provisions or clauses incorporated in full text, insert the fill-in information in the blanks of the provision or clause.

[48 FR 42478, Sept. 19, 1983, as amended at 65 FR 36016, June 6, 2000]

### **52.105 Procedures for using alternates.**

(a) The FAR accommodates a major variation in a provision or clause by use of an alternate. The FAR prescribes alternates to a given provision or clause in the FAR subject text where the provision or clause is prescribed. The alternates to each provision or clause are titled "Alternate I," "Alternate II," "Alternate III," etc.

(b) When an alternate is used, its date shall be cited along with the date of the basic provision or clause; e.g., 52.209-3 FIRST ARTICLE APPROVAL—CONTRACTOR TESTING (OCT 1983)—ALTERNATE I (DEC 1983).

(c) Under certain circumstances, a provision or clause may be used with two or more alternates. In these circumstances, each of the applicable alternates shall be cited, whether incorporated by reference or in full text; e.g., 52.209-3 FIRST ARTICLE APPROVAL—CONTRACTOR TESTING (OCT 1983)—ALTERNATE I (DEC 1983) AND ALTERNATE II (FEB 1984). However, under no circumstances may an alternate to a specific provision or clause be applied to any other provision or clause.

[48 FR 42478, Sept. 19, 1983, as amended at 65 FR 36016, June 6, 2000]

## 48 CFR Ch. 1 (10-1-05 Edition)

### **52.106 [Reserved]**

### **52.107 Provisions and clauses prescribed in subpart 52.1.**

(a) The contracting officer shall insert the provision at 52.252-1, Solicitation Provisions Incorporated by Reference, in solicitations in order to incorporate provisions by reference.

(b) The contracting officer shall insert the clause at 52.252-2, Clauses Incorporated by Reference, in solicitations and contracts in order to incorporate clauses by reference.

(c) The contracting officer shall insert the provision at 52.252-3, Alterations in Solicitation, in solicitations in order to revise or supplement, as necessary, other parts of the solicitation that apply to the solicitation phase only, except for any provision authorized for use with a deviation.

(d) The contracting officer shall insert the clause at 52.252-4, Alterations in Contract, in solicitations and contracts in order to revise or supplement, as necessary, other parts of the contract, or parts of the solicitations that apply to the contract phase, except for any clause authorized for use with a deviation.

(e) The contracting officer shall insert the provision at 52.252-5, Authorized Deviations in Provisions, in solicitations that include any FAR or supplemental provision with an authorized deviation. Whenever any FAR or supplemental provision is used with an authorized deviation, the contracting officer shall identify it by the same number, title, and date assigned to the provision when it is used without deviation, include regulation name for any supplemental provision, except that the contracting officer shall insert "(DEVIATION)" after the date of the provision.

(f) The contracting officer shall insert the clause at 52.252-6, Authorized Deviations in Clauses, in solicitations and contracts that include any FAR or supplemental clause with an authorized deviation. Whenever any FAR or supplemental clause is used with an authorized deviation, the contracting officer shall identify it by the same number, title, and date assigned to the clause when it is used without deviation, include regulation name for any

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supplemental clause, except that the contracting officer shall insert “(DEVIA-  
TION)” after the date of the clause.

[48 FR 42478, Sept. 19, 1983, as amended at 54  
FR 48990, Nov. 28, 1989]

### Subpart 52.2—Text of Provisions and Clauses

#### 52.200 Scope of subpart.

This subpart sets forth the text of all FAR provisions and clauses (see 52.101(b)(1)) and gives a cross-reference to the location in the FAR that pre-  
scribes the provision or clause.

[65 FR 36016, June 6, 2000]

#### 52.202-1 Definitions.

As prescribed in 2.201, insert the fol-  
lowing clause:

##### DEFINITIONS (JUL 2004)

(a) When a solicitation provision or con-  
tract clause uses a word or term that is de-  
fined in the Federal Acquisition Regulation  
(FAR), the word or term has the same mean-  
ing as the definition in FAR 2.101 in effect at  
the time the solicitation was issued, unless—

(1) The solicitation, or amended solicita-  
tion, provides a different definition;

(2) The contracting parties agree to a dif-  
ferent definition;

(3) The part, subpart, or section of the FAR  
where the provision or clause is prescribed  
provides a different meaning; or

(4) The word or term is defined in FAR  
Part 31, for use in the cost principles and  
procedures.

(b) The FAR Index is a guide to words and  
terms the FAR defines and shows where each  
definition is located. The FAR Index is avail-  
able via the Internet at <http://www.acqnet.gov>  
at the end of the FAR, after the FAR Appen-  
dix.

(End of clause)

[69 FR 34228, June 18, 2004]

#### 52.203-1 [Reserved]

#### 52.203-2 Certificate of Independent Price Determination.

As prescribed in 3.103-1, insert the  
following provision. If the solicitation  
is a Request for Quotations, the terms  
*Quotation* and *Quoter* may be sub-  
stituted for *Offer* and *Offeror*.

##### CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)

(a) The offeror certifies that—

(1) The prices in this offer have been ar-  
rived at independently, without, for the pur-  
pose of restricting competition, any con-  
sultation, communication, or agreement  
with any other offeror or competitor relating  
to (i) those prices, (ii) the intention to sub-  
mit an offer, or (iii) the methods or factors  
used to calculate the prices offered;

(2) The prices in this offer have not been  
and will not be knowingly disclosed by the  
offeror, directly or indirectly, to any other  
offeror or competitor before bid opening (in  
the case of a sealed bid solicitation) or con-  
tract award (in the case of a negotiated so-  
licitation) unless otherwise required by law;  
and

(3) No attempt has been made or will be  
made by the offeror to induce any other con-  
cern to submit or not to submit an offer for  
the purpose of restricting competition.

(b) Each signature on the offer is consid-  
ered to be a certification by the signatory  
that the signatory—

(1) Is the person in the offeror’s organiza-  
tion responsible for determining the prices  
being offered in this bid or proposal, and that  
the signatory has not participated and will  
not participate in any action contrary to  
subparagraphs (a)(1) through (a)(3) above; or

(2)(i) Has been authorized, in writing, to  
act as agent for the following principals in  
certifying that those principals have not par-  
ticipated, and will not participate in any ac-  
tion contrary to subparagraphs (a)(1)  
through (a)(3) above

[insert full name of person(s) in the offeror’s or-  
ganization responsible for determining the prices  
offered in this bid or proposal, and the title of  
his or her position in the offeror’s organization];

(ii) As an authorized agent, does certify  
that the principals named in subdivision  
(b)(2)(i) above have not participated, and will  
not participate, in any action contrary to  
subparagraphs (a)(1) through (a)(3) above;  
and

(iii) As an agent, has not personally par-  
ticipated, and will not participate, in any ac-  
tion contrary to subparagraphs (a)(1)  
through (a)(3) above.

(c) If the offeror deletes or modifies sub-  
paragraph (a)(2) above, the offeror must fur-  
nish with its offer a signed statement setting  
forth in detail the circumstances of the dis-  
closure.

(End of provision)

[48 FR 42478, Sept. 19, 1983, as amended at 50  
FR 1746, Jan. 11, 1985; 50 FR 52429, Dec. 23,  
1985]